

**Introduced by Senator Maldonado**

February 14, 2008

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An act to amend Sections 38504, 38504.1, and 38504.2 of the Vehicle Code, relating to all-terrain vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1228, as introduced, Maldonado. All-terrain vehicles: operating violations.

(1) Existing law prohibits a person under 14 years of age from operating an all-terrain vehicle on public lands of this state unless that person satisfies specified safety conditions and, in addition, is accompanied by, and under direct supervision of, a parent or guardian, or is accompanied by, and under the direct supervision of, an adult who is authorized by the parent or guardian. Existing law prohibits a parent or guardian of a child who is under 14 years of age or an adult who is authorized by the parent or guardian to supervise the child, from granting permission to, or knowingly allowing, that child to operate an all-terrain vehicle in a manner that violates the above-described prohibition. Existing law makes a violation of the above an infraction punishable by a specified order or fine.

This bill would prohibit a person under 16 years of age from operating an all-terrain vehicle on public lands of this state unless that person is accompanied by, and under direct supervision of, a parent or guardian or adult who is authorized by the parent or guardian and is in possession of a specified safety certificate. The bill would impose specified size restrictions on all-terrain vehicles operated by persons under 16 years of age. This bill would also make conforming changes.

Because this bill would expand the scope of an existing crime, it would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 38504 of the Vehicle Code is amended  
2 to read:

3 38504. ~~No(a) A person under 14 16 years of age, on and after~~  
4 ~~January 1, 1990, shall not operate an all-terrain vehicle on public~~  
5 ~~lands of this state unless the person satisfies one of the conditions~~  
6 ~~set forth in Section 38503 and, in addition, is accompanied by and~~  
7 ~~under the direct supervision of a parent or guardian or is~~  
8 ~~accompanied by and under the direct supervision of an adult who~~  
9 ~~is authorized by the parent or guardian. all of the following~~  
10 ~~conditions:~~

11 (1) *The person is accompanied by, and under the direct*  
12 *supervision of, a parent or guardian or is accompanied by, and*  
13 *under direct supervision of, an adult who is authorized by a parent*  
14 *or guardian.*

15 (2) *The person is in possession of a safety certificate issued*  
16 *pursuant to Section 38501 or issued under the authority of another*  
17 *state.*

18 (b) (1) *Notwithstanding subdivision (a), a person under 12*  
19 *years of age shall not operate an all-terrain vehicle that is of a*  
20 *size that displaces more than 70 cubic centimeters.*

21 (2) *Notwithstanding subdivision (a), a person 12 years of age*  
22 *or older but under 16 years of age shall not operate an all-terrain*  
23 *vehicle that is of a size that displaces more than 90 cubic*  
24 *centimeters.*

25 SEC. 2. Section 38504.1 of the Vehicle Code is amended to  
26 read:

27 38504.1. (a) ~~Neither a~~ A parent or guardian of a child who is  
28 under ~~14 16~~ years of age, ~~nor~~ or an adult who is authorized by the  
29 parent or guardian to supervise that child shall *not* grant permission

1 to, or knowingly allow, that child to operate an all-terrain vehicle  
2 in a manner that violates Section 38504.

3 (b) A person convicted of a violation of subdivision (a) is  
4 punishable as follows:

5 (1) For a first conviction, the court shall either impose a fine of  
6 one hundred twenty-five dollars (\$125) or order the person to take  
7 or retake and complete an all-terrain vehicle safety training course  
8 pursuant to Section 38501. If ordered to take or retake and complete  
9 the safety training course, the person shall provide the court a copy  
10 of the all-terrain vehicles safety certificate issued as a result of that  
11 completion.

12 (2) For a second conviction, a fine of not less than one hundred  
13 twenty-five dollars (\$125) nor more than two hundred fifty dollars  
14 (\$250).

15 (3) For a third or any subsequent conviction, a fine of not less  
16 than two hundred fifty dollars (\$250) nor more than five hundred  
17 dollars (\$500).

18 SEC. 3. Section 38504.2 of the Vehicle Code is amended to  
19 read:

20 38504.2. If a person under ~~14~~ 16 years of age was not properly  
21 supervised or accompanied in accordance with Section 38504, and  
22 the parent or guardian of that child or the adult who was authorized  
23 by the parent or guardian to supervise or accompany that child is  
24 in violation of Section 38504.1, upon a conviction pursuant to  
25 Section 38504, the court may order that child to attend and  
26 complete the all-terrain vehicle safety training course accompanied  
27 by the person who violated Section 38504.1. If so ordered, the  
28 child under ~~14~~ 16 years of age shall provide the court a copy of  
29 the all-terrain vehicles safety certificate issued as a result of that  
30 completion.

31 SEC. 4. No reimbursement is required by this act pursuant to  
32 Section 6 of Article XIII B of the California Constitution because  
33 the only costs that may be incurred by a local agency or school  
34 district will be incurred because this act creates a new crime or  
35 infraction, eliminates a crime or infraction, or changes the penalty  
36 for a crime or infraction, within the meaning of Section 17556 of  
37 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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